

# Rooker Report

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## TENNESSEE SUPREME COURT ADOPTS AMENDMENT TO COURT RULES THAT ALLOWS ELECTRONIC SERVICE ON ATTORNEYS

### AMENDMENT TO TAKE EFFECT JULY 1 IF RATIFIED BY LEGISLATURE

The Tennessee Supreme Court has adopted an amendment to Rule 5.02 of the Tennessee Rules of Civil Procedure which allows attorneys to serve documents on one another electronically. The amendment will take effect July 1 if ratified by the state legislature and ratification appears to be a formality at this point.

The Advisory Commission Comment to the new rule takes note of the fact that many attorneys are already serving documents on one another electronically but, because the current rule does not provide that electronic service is sufficient service, attorneys must currently also send a paper copy of the document. The rule change is designed to allow attorneys to accomplish the service of pleadings and other papers electronically without the need to send a physical copy.

Under the new rule, service upon any attorney may be made by sending him or her the document in Adobe PDF format to the attor-

ney's email address, which must be furnished promptly on request. Adobe PDF was chosen as the format because it is required for federal court filings and virtually all attorneys have ready access to it. The rule, however, provides that the parties may stipulate to the use of a different format.

The sender must also include language in the subject line designed to alert the recipient that a document is being served under the rule. The Advisory Commission Comment to the rule provides that words in the subject line to the effect of "TRCP Rule 5 Service of Document in Smith v. Jones" are sufficient.

On the date that a document served under the rule is electronically sent to an attorney, the sender must send by mail, facsimile or hand delivery a certificate that advises that a document has been transmitted electronically. The certificate must state the caption of the action; the trial court file number; the title of the transmitted docu-

See AMENDMENT, Page 2

## December Trial Verdicts

### Non-Jury

Circuit Court

### Appeals

GENERAL SESSIONS

Week of December 14

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
08C-813	WORKERS' COMPENSATION	1		P-COMPENSABLE CLAIM			
09C-801	WORKERS' COMPENSATION	1		P-PERMANENT TOTAL DISABILITY			
08C-3301	WORKERS' COMPENSATION	6		P-NEW AWARD (RECONSIDERATION)			
09C-1895	GSA/CONTRACT (LEASE RESCISSION)	6		P-\$17,240		P-\$10,240	DEFENDANT
09C-2085	GSA/CONTRACT (AUTO SALE)	2		P-\$6,400		P-\$6,400	DEFENDANT

### Jury

Circuit Court

Week of December 7

CASE	TYPE	COURT	PRAYER	VERDICT	PCT. FAULT	JUDGMENT	APPELLANT
08C-2020	AUTOMOBILE	2	\$60,000	P-\$2,270			

### AMENDMENT

(FROM PAGE 1)

ment; the number of pages of the transmitted document (including all exhibits); the sender's name, address, telephone number and email address; the email address of each recipient; and the date and time of the transmission. The certificate must also include words to this effect: "If you did not receive this document, please contact the sender immediately to receive an electronic or physical copy of this document." The certificate must be sent to all counsel of record.

The mailing or hand delivery of a certificate was included out of concern that an email transmitting a document could be lost in cyberspace.

Under the amendment, an attorney who sends a document to another attorney electronically and who is notified that it was not received must promptly furnish a copy of the document to the attorney who did not receive it.

A document transmitted electronically will be treated as if mailed for purposes of computation of time under T.R.C.P. 6.

Finally, for good cause shown, an attorney may obtain a court order prohibiting service of documents on that attorney by electronic mail and requiring all documents be served under the old method (i.e., delivery to the other attorney, mailing it to the attorney's last known address, or if no address is known, by leaving a copy with the clerk of the court).

### CHANGES IN HEARING TIMES COMING TO 4th & 8th CIRCUIT

Attorneys and parties should take note of these upcoming changes:

#### 4th CIRCUIT JUDGE PHILIP SMITH

Effective June 1, 2010, the Fourth Circuit Court will begin hearing its Child Support Services docket on Mondays at 1:30 p.m. Currently, this docket is heard on Thursdays at 1:00 p.m.

#### 8th CIRCUIT JUDGE CAROL SOLOMAN

Effective March 1, 2010, the Eighth Circuit Court will begin hearing Show Cause and Contempt Petitions on Thursdays at 10:00 a.m. Currently, these Petitions are heard on Wednesdays at 9:00 a.m.

### Civil Trial Recap By Class



Miscellaneous .....	53%
Auto .....	23%
Contracts .....	21%
Medical Malpractice .....	3%



## DATA BANK

December 2009

#### Case Information

##### Circuit Court

New Civil Cases Filed.....	220
Jury .....	90
Non-Jury .....	130
Civil Cases Concluded.....	201
Jury .....	123
Non-Jury .....	78
New Divorce Cases Filed .....	174
Divorce Cases Concluded.....	245
Domestic Petitions Filed .....	198
Domestic Petitions Concluded .....	330

##### General Sessions Civil

New Cases Filed.....	3,885
Executions Issued .....	3,914
Garnishment Payments.....	5,086
Judgments Collected.....	\$977,871
Orders of Protection Petitions.....	176

##### Probate Court

New Cases Filed.....	133
Cases Closed .....	168

##### Traffic Violations

Moving Citations .....	8,334
Total Violations.....	11,818
Parking Violations.....	3,484
Total Fines Collected .....	\$485,397
Nullifications .....	1,211
Nullification Fees Collected .....	\$14,535
Environmental Citations.....	195
*Credit Card Payments .....	3,732

\*--Online and phone payments combined

### Case Analyses

GENRE	DECEMBER	YTD
<b>AUTO ACCIDENTS</b>	1	61
PLAINTIFF VERDICTS	1	41
DEFENDANT VERDICTS	0	15
NONE	0	5
<b>CONTRACTS</b>	2	56
PLAINTIFF VERDICTS	2	42
DEFENDANT VERDICTS	0	13
NONE	0	1
<b>TOTAL AWARDS</b>	<b>\$23,640</b>	<b>*\$675,480</b>

\*REPRESENTS AMOUNTS DISCLOSED BY COURT

GENRE	DECEMBER	YTD
<b>MEDICAL MALPRACTICE</b>	0	9
PLAINTIFF VERDICTS	0	4
DEFENDANT VERDICTS	0	5
PENDING	0	0
<b>MISCELLANEOUS</b>	3	142
PLAINTIFF VERDICTS	1	105
DEFENDANT VERDICTS	0	29
NONE	2	8

#### Auto Accident Cases

	DECEMBER	YTD
JURY TRIALS	1	40
NON-JURY TRIALS	0	21
PLAINTIFF VERDICTS	1	41
DEFENDANT VERDICTS	0	15
NONE	0	5
HIGHEST JUDGMENT	\$2,270	\$2,500,000
AVERAGE JUDGMENT	N/A	N/A

#### Soft Tissue Auto Cases

	DECEMBER	YTD
JURY TRIALS	1	22
NON-JURY TRIALS	0	1
PLAINTIFF VERDICTS	1	18
DEFENDANT VERDICTS	0	5


#### General Sessions Auto Appeals

	DECEMBER	YTD
PLAINTIFF VERDICTS	0	8
DEFENDANT VERDICTS	0	5
NONE	0	0

## Rooker Report

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Established by George L. Rooker (1929-1993)  
(Circuit Court Clerk, 1968-1993)

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If you have a disability and require assistance, please contact 862-5204